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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,580	10/03/2005	Wilfried Mackel	677/44187	3819
23646	7590	09/30/2009	EXAMINER	
BARNES & THORNBURG LLP			LITHGOW, THOMAS M	
750-17TH STREET NW				
SUITE 900			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20006-4675			1797	
			MAIL DATE	DELIVERY MODE
			09/30/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/551,580	MACKEL ET AL.	
	Examiner	Art Unit	
	Thomas M. Lithgow	1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
 - 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 03 October 2005 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10-3-2005</u> . | 6) <input type="checkbox"/> Other: ____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 5-7, 9-10 and 15-19 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 02/07478 (cited by applicant). WO '478 discloses a filtering device (fig 5, 7) having a container 11, with a tangential input 18, plural spindles and rotatable filter disks 2, 3. Hydrocyclones come in many shapes, as such, claim 7 is anticipated.

3. Claims 1, 3-7, 9-10, and 15-20 rejected under 35 U.S.C. 102(b) as being anticipated by WO 00/47312 (cited by applicant). WO '312 discloses a filtering device (fig. 1 and 3) having a container 4 with plural spindles containing vertically oriented rotatable filter disks 3. As shown in fig. 3, they can be arranged uniformly in the container on a circle having a radius "r".

4. Claims 1, 4-7, 9-10, and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 11-226317. JP '317 discloses a filer device (fig.

1) having a housing 1 and plural spindles 4 with overlapping vertically oriented rotatable filter disks 3 (fig. 1 or 2), or horizontally (fig. 5-6).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 8, and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over either one of WO '312 or JP '317 as applied to claim 1 above, and further in view of either one of Bumpers (US 4698156) or Brunell (US 4975188). The use of a tangential inlet to a filter device employing a plurality of vertically oriented rotary dynamic disks to facilitate the separation of solids from a liquid by feeding the influent tangentially into the vessel is taught by either one of Bumpers '156 or Brunell '188. Bumpers '156 addressing the advantage of such a combination [Bumpers col. 2, lines 64+ and [6, 24+]]. Therefore to so arrange such a tangential inlet to either one of WO '312 or JP '317 would have been obvious to one of ordinary skill in the art at the time of the invention. Both Bumpers '156 and Brunell '156 having seal passages to assist the operation of their bearings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Lithgow whose telephone number is 571-272-1162. The examiner can normally be reached on Mon. -Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit: 1797

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/Thomas M. Lithgow/

Primary Examiner, Art Unit 1797

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Primary Examiner
Art Unit 1797

TML